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|---|-------------|----------------------|---------------------------------|-----------------------------|
| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.             | CONFIRMATION NO.            |
| 10/692,327  | 10/23/2003  | Katsuhiko Hara       | CANO-0095                       | 8600                        |
| 37013 7590 05/25/2010<br>ROSSI, KIMMS & McDOWELL LLP.<br>20609 Gordon Park Square, Suite 150<br>Ashburn, VA 20147 |             |                      | EXAMINER<br>GARCIA, GABRIEL I   |                             |
|   |             |                      | ART UNIT<br>2625                | PAPER NUMBER                |
|   |             |                      | NOTIFICATION DATE<br>05/25/2010 | DELIVERY MODE<br>ELECTRONIC |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptomail@rkmlegalgroup.com

|                              |                                      |  |  |
|------------------------------|--------------------------------------|--|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/692,327 | <b>Applicant(s)</b><br>HARA, KATSUHIKO |  |
|                              | <b>Examiner</b><br>GABRIEL I. GARCIA | <b>Art Unit</b><br>2625                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 4,5,9,10,14 and 15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,6-8 and 11-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

**Part III DETAILED ACTION**

1. This application has been examined. Claims 1-15 are pending in this application. Claims 4-5, 9-10 and 14-15 are withdrawn from consideration by the Examiner.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 6-8 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ikeno (7,154,617) in view of Holmstead (2004/0024844 A1).

With regard to claim 1, Ikeno teaches an image processing apparatus (6,7,8 or 9) that receives a download start request (or instruction see fig. 10b step S1021) for resource data used for a print job and then downloading the resource data (e.g. The abstract clearly describes receiving a download for resource data and print data, and updating the resource data; fig. 8, step S812 describes the step (or command) for the printer to download or receive data, there're other areas in the specification that clearly describe downloading resource data and print job data), the image processing apparatus comprising: comprising: a communication unit configured to communicate with a

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plurality of information processing apparatuses (e.g. fig. 2,4,5,6 and 15-22 clearly suggest and/or teach how the printer (or image processing apparatus) can communicate with each of the image processing apparatuses (or computer(s)) to interchange data such as resource data and print job data); a storage unit configured to store (222, see also fig. 34, clearly other areas of the specification describe the storing of the data such as resource data and print data) at least one of print jobs transmitted from at least one of the plurality of information processing apparatuses and resource data used for the print job (see fig. 1 and 15-22, abstract, and col. 2, lines 1-67); a determination device that determines when a download start request for resource data has been received by said communication device from one of a plurality of information processing apparatuses (see fig. 34), and control device (213) operable to control the communication device to inform one of the plurality that downloading of the resource data is not possible (see figs. 34 and 35, which depicts how the download data can be accepted or cancelled).

Ikeno teaches the cancellation of downloading data and accepting of downloaded (see fig. 34) , downloading such as resource data (3411), also Ikeno clearly suggests that resource download can be cancel (see figs. 34-35). Clearly with the ability of the Ikeno to receive and update the resource data (see col. 2, lines 12-25) can allow an user to reject a resource data if the resource data is already in the printer .

Ikeno fails to teach to determine whether **a print job received** by said communication device from at least one of the plurality of information processing apparatuses **exists in said storage device**; and a control device operable when the

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received print job exists in said storage device from which said communication device has received the download start request for resource data.

However, Holmstead (in the same field of endeavor “network printing”) teaches that it is well known in the art at the time of the invention to determine whether **a print job received** by said communication device from at least one of the plurality of information processing apparatuses **exists in said storage device [reads on [0047,0051] and [0053]** ; and a control device operable when the received print job exists in said storage device and informing the one information processing apparatus from which said communication device has received the download start request for resource data that downloading of the resource data is not possible (or necessity) **(see 0047, 0051 and fig. 4,** clearly the download is not necessity since the print job already exists in the storage of the printing device).

Therefore, it would have been predictable to one of ordinary skill in the art to provide the information processing apparatus of Ikeno having the means to download resource data included with a print job with the additional means for determining the print job exists within the storage in order to download the resources only when the print job is not stored in the local memory as suggested by Holmstead in fig. 4,.Clearly Ikenoe teaches the receiving and updating of resource data, and by detecting that the job is already in the memory as taught by Holmstead, the system of of Ikeno can stop the downloading of resource data when the system of Ikeno can detect that the print job is already in the memory of the printer, thereby, reducing the amount of data transfer between devices,. and preventing the download of resources of the data already stored in the printer.

With regard to claim 2, the limitations of claim 1 are covered by the limitations of claim 1 above.

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With regard to claim 3, the combination of Ikeno and Holmstead further teaches the communication device has informed one of the plurality of information processing apparatus that downloading of the resource is not possible, and the control device controls said communication device so as not to receive another print job (e.g. see abstract, clearly if the print job exists in the storage another print job can be started).

With regard to claims 6-8, the limitations of claims 6-8 are covered by the limitations of Claims 1-3 above.

With regard to the computer readable medium claims 11-13, the limitations of claims 11-13 are covered by the limitations of claims 1-3 above. One of ordinary skill in the art will appreciate the matter in which the device as taught by the combination of Ikeno and Holmstead can be program to execute the instruction and steps as taught above.

### **Conclusion**

3. With regard to Applicant's arguments filed on 3/29/10. Examiner has included a more detail explanation of the reference cited above.

4 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gabriel I. Garcia whose telephone number is (571) 272-7434. The Examiner can normally be reached Monday-Thursday from 7:30 AM-6:00 PM. The fax phone number for this group is (571) 273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (571) 272-7402. The fax phone number

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for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-2600.

/Gabriel I Garcia/

Primary Examiner of Art Unit 2625

**Gabriel I. Garcia**  
**Primary Examiner**  
**May 20, 2010**